HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No.18150 of 1995

Between:

M/s. Kadal Marine Food Products Pvt. Ltd.,

rep. by its Director, T.Francis, Bheemunipatnam,

Visakhapatnam District. …Petitioner.

AND

Superintending Engineer,

A.P.State Electricity Board (Assessments),

Vijayawada & others. …Respondents.

:: O R D E R ::

Counsel for the Petitioner : None

Counsel for the Respondents : None

10th FEBRUARY 2006

In this petition, the petitioner has prayed for quashing Proceedings No.CEE/VSP.ZONE/VSP/Coml./HT/F.VSP.3 of 92 D.No.2422/95, dated 6-6-1995 initiated by the respondents for recovery of Rs.56,928.65p.

On 16-12-2005, the case was adjourned to enable the learned counsel for the petitioner to seek instructions from his client. That order reads as under:-

> "Heard learned counsel for the petitioner and perused the record.
>
> The petitioner has prayed for quashing communication dated

4-6/7-1995 issued by Divisional Electrical Engineer, Operation Division, Zone I, Visakhapatnam, requiring the petitioner to pay a sum of Rs.56,928.65 and order dated 06.06.1995 passed by the Appellate Authority-cum-Chief Engineer, Electricity, Visakhapatnam.

In my opinion the petitioner is not entitled to any relief because he has not challenged order dated 21.10.1992 passed by the original authority i.e., Superintending Engineer, Vijayawada, who held it guilty of malpractice in the use of energy. Another fatal defect with which the writ petition suffers is that the petitioner has not impleaded A.P. Electricity Board as party – respondent.

Learned counsel for the petitioner requests for seven days time to seek instructions from the petitioner.

Put up on 23.12.2005."

Today, no one has appeared for the petitioner leaving the Court with no option but to dismiss the petition in default. Ordered accordingly.

G.S. SINGHVI, C.J.

10th February, 2006.

ARS